

REMARKS

The Examiner has rejected Claims 2-6, 8, 10-17, 19, 21-23 and 26 under 35 USC § 102(b) as being anticipated by Duer (5,429,377). Applicant respectfully disagrees with such rejection, especially in view of the amendments made hereinabove. Specifically, the subject matter of Claim 26 has been inserted into each of the independent claims.

The Examiner has relied on the following excerpt from Duer to make a prior art showing of applicant's claimed: "wherein the multiple layers include non-adhesive members coupled thereto for being gripped by a user to facilitate the removal of the topmost layer of the sanitary cover."

"However, rather than mixing the high quality plastic coverings with plastics of lesser quality, it is preferable to recycle the coverings so that the plastic is recycled back into new sanitary coverings. FIG. 58 shows such a recycling scheme in diagrammatic flow-sheet form whereby a dispenser 171 attached to a wall 173 of a commercial establishment dispenses sanitary coverings 175 which may be similar to or the same as the coverings depicted in FIGS. 44-48. These sanitary coverings 175 are snapped over the handles 177 of carts 179 by cart users. After use, store personnel remove the sanitary coverings 175 placing them in a recycling receptacle 181 until there is a sufficient quantity of used coverings to warrant collection by a truck 183. The truck 183 conveys the used sanitary coverings 175 to a plant where they are placed in a furnace 185 and melted to a fluid or semi-fluid which is directed to an extruder 187 that extrudes the molten plastic into new plastic sanitary coverings 175a. The new coverings 175a are then directed to a warehouse 189 from which they may be delivered by a truck 191 back to the store to be placed in a dispenser 171 for reuse." (col. 17, lines 32-52)

Such excerpt, however, makes no mention of non-adhesive members coupled to the multiple layers, where the multiple layers are defined to include the stacked adhesively-lined layers, as claimed. Only applicant teaches and claims such a feature for facilitating the removal of the adhesive members during use. For example, after a first user utilizes the cart, a second user may use the non-adhesive member to remove the just-used adhesive layer without unnecessary complications. To this end, an improved cover is provided.

The Examiner is reminded that a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. Of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Moreover, the identical invention must be shown in as complete detail as contained in the claim. *Richardson v. Suzuki Motor Co.* 868 F.2d 1226, 1236, 9USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim. This criteria has simply not been met by the Duer reference, especially in view of the amendments made hereinabove.

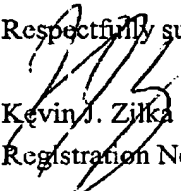
The Examiner has further rejected Claim 1 under 35 U.S.C. 103(a) as being unpatentable over Duer (5,429,377) in view of Mencarelli et al. (5,348,360). It should be noted that Claim 1 includes the limitation: "a topmost layer of each sanitary cover being removable utilizing a non-adhesive member coupled to an edge thereof for exposing another layer therebeneath for providing a sanitary surface for being gripped by the user," which is deemed allowable for the reasons set forth hereinabove.

Applicant has further amended the claims to add subject matter that is further deemed to be patentable over the prior art.

An allowance is respectfully requested.

In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at (408) 505-5100. If any fees are due in connection with the filing of this paper, then the Commissioner is authorized to charge such fees to Deposit Account No. 50-1351 (Order No. PET1P005).

Respectfully submitted,


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